

West's Annotated Code of Maryland

Public Safety ([Refs & Annos](#))

Title 5. Firearms

Subtitle 1. Regulated Firearms ([Refs & Annos](#))

This section has been updated. Click [here](#) for the updated version.

MD Code, Public Safety, § 5-118

Formerly cited as MD CODE Art. 27, §442

§ 5-118. Firearm application

Effective: [See Text Amendments] to September 30, 2013

#### **In general**

(a) A firearm applicant shall:

- (1) submit to a licensee or designated law enforcement agency a firearm application on the form that the Secretary provides; and
- (2) pay to the licensee or designated law enforcement agency an application fee of \$10.

#### **Required information**

(b) A firearm application shall contain:

- (1) the firearm applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver's or photographic identification soundex number, occupation, and regulated firearm information for each regulated firearm to be purchased, rented, or transferred;
- (2) the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor; and
- (3) a statement by the firearm applicant under the penalty of perjury that the firearm applicant:
  - (i) is at least 21 years old;
  - (ii) has never been convicted of a disqualifying crime;
  - (iii) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(iv) is not a fugitive from justice;

(v) is not a habitual drunkard;

(vi) is not addicted to a controlled dangerous substance or is not a habitual user;

(vii) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application is attached to the application, certifying that the firearm applicant is capable of possessing a regulated firearm without undue danger to the firearm applicant or to another;

(viii) is not a respondent against whom a current non ex parte civil protective order has been entered under [§ 4-506 of the Family Law Article](#);

(ix) if under the age of 30 years at the time of application, has not been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult; and

(x) subject to [§ 5-119](#) of this subtitle, has completed a certified firearms safety training course that the Police Training Commission conducts without charge or that meets the standards that the Police Training Commission establishes under [§ 3-207](#) of this article.

#### **Required warning**

(c) Each firearm application shall contain the following statement: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than \$5,000, or both."

#### **Firearm application of corporation**

(d) If the firearm applicant is a corporation, a corporate officer who is a resident of the State shall complete and execute the firearm application.

#### **Credits**

Added by [Acts 2003, c. 5, § 2](#), eff. Oct. 1, 2003.

#### **Editors' Notes**

#### **LEGISLATIVE NOTES**

Revisor's Note ([Acts 2003, c. 5](#)):

Subsection (a)(1) of this section is standard language added to state expressly that which only was implied in the former law, i.e., applications may be made only on the form that the Secretary provides.

Subsections (a)(2) through (d) of this section are new language derived without substantive change from former Art. 27, § 442(g), (h), and (f)(1).

In subsection (a)(2) of this section, the former reference that a firearm applicant pay a fee of \$10 “with the application” is deleted in light of the reference to an “application fee”.

In subsection (b)(3)(vii) of this section, the former reference to mental “disorders” is deleted as included in the reference to a “mental disorder”. *See* Art. 1, § 8 which provides that the singular always includes the plural unless the construction would be unreasonable.

In subsection (b)(3)(ix) of this section, the reference to an adjudication for an “act” that would be a disqualifying crime “if committed by an adult” is added for consistency with § 5-306 of this title.

Also in subsection (b)(3)(ix) of this section, the reference to “if” under the age of 30 years is substituted for the former apparently erroneous reference to “is” [under the age of] 30 years to avoid the mistaken interpretation requiring an applicant to be under the age of 30 years to be eligible to purchase a regulated firearm.

In subsection (b)(3)(x) of this section, the former reference to “an application made on or after January 1, 2002” is deleted as obsolete.

Defined terms: “Designated law enforcement agency” § 5-101

“Disqualifying crime” § 5-101

“Firearm” § 5-101

“Firearm applicant” § 5-101

“Firearm application” § 5-101

“Fugitive from justice” § 5-101

“Habitual drunkard” § 5-101

“Habitual user” § 5-101

“Licensee” § 5-101

“Regulated firearm” § 5-101

“Secretary” § 5-101

MD Code, Public Safety, § 5-118, MD PUBLIC SAFETY § 5-118

Current through all legislation from the 2018 Regular Session of the General Assembly